

131 Stafford Forge Road
West Creek, NJ 08092-9329
April 13, 1998

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Federal Communications Commission
Washington, DC 20554
RE: RM-9208

Gentlemen:

I am respectfully submitting my comments on RM-9208, the petition to create a low-power community broadcasting service. The original and seven copies accompany this letter.

Sincerely,

Philip E. Galasso
Philip E. Galasso

(609) 294-9796 (voice)

(609) 294-2553 (fax)

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Before the

FEDERAL COMMUNICATIONS COMMISSION

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Washington, DC 20554

IN THE MATTER OF:

The proposal to create a)
Low-Power Radio Broadcast)
Service)

RM-9208

COMMENTS OF:

Philip E. Galasso
131 Stafford Forge Road
West Creek, NJ 08092-9329
FAX: (609) 294-2553

INTRODUCTION: With the deregulation of the existing AM and FM broadcast services, stepped up with the passage of the Telecommunications Act of 1996, a feeding frenzy of radio station acquisitions and consolidations has taken place. This has been accompanied by a homogenization of programming on these stations and a resulting lack of involvement by these stations with their communities of license. News and public affairs programming have especially been cut back, with many of these corporate stations becoming little more than jukeboxes feeding transmitters, running cookie-cutter programming dictated by a corporate head of programming or an out-of-state consultant. In addition, Congress has forced the Commission into the role of tax collector, requiring the Commission to collect astronomical fees from commercial applicants and licensees. This, combined with the policy of auctioning FM channels where such channels are the subject of mutually-exclusive applications for new stations, has squeezed middle-class and minority applicants out of the industry, as well as preventing small businesses from establishing stations. The concentration of ownership of stations within the same market into the hands of a single owner has also made it difficult for independently-owned stations to compete. Such stations, faced with pressure to compete against group owners that lock up every demographic cell within the market, find themselves pressured to sell out to the group owners.

Despite this, there has been tremendous interest in the creation of small,

independent, community-oriented stations. The upsurge in unlicensed, "pirate" broadcast stations on the FM broadcast band is evidence of this. Unlike the "pirates" of the past, most of which were operated by teenagers as a lark, today's FM "pirates" often serve their communities with programming unavailable on corporate radio. One example is Free Radio Berkeley of Berkeley, California, which tackles community issues and provides a wide assortment of alternative programming. Another such station called itself "WIBA" and was located in Brooklyn, NY. It served the large Caribbean immigrant community which was totally ignored by licensed stations in the New York metropolitan area. This station was silenced by the Commission several years ago.

OVERVIEW AND COMMENTS:

The petitioners, Nickolaus and Judith Leggett, are making a step in the right direction by proposing a low-power broadcast service on the AM and FM bands with severe restrictions. In short, the petitioners propose a radio service with transmitters limited to one Watt and antenna height of 50 feet or less, with only one such station being permitted in a community. I would like to offer the following alternative:

1. Bring back the old Class D FM license, with transmitter power of 10 Watts. ERP's of up to 100 Watts should be allowed, with antenna height limited to 100 meters. Commercial and noncommercial operation should be allowed in this service, with the restrictions on the use of FM Channels 200-220 (87.9-91.9 MHz.) pertaining to noncommercial operation and TV Channel 6 protection remaining intact.
2. Phase out FM translators, starting with those operated by distant entities. These translators merely duplicate an existing service. In the case of noncommercial translators, particularly those operated by religious entities, many of these merely relay satellite programming originating from hundreds of miles away. They certainly do not serve their local communities of license. Commercial translators, located within the contour of the primary station,

are likewise wasteful of spectrum. Stations experiencing serious gaps in their coverage should consider constructing boosters or improving their antenna facilities.

3. Severe restrictions should be placed on the ownership of low-power stations in order to avoid the situation that was described in my introductory comments. Such low-power stations should be limited to one per owner/licensee and the owner or licensee should live or otherwise be located within the 1 mV. contour of such an FM station. If such stations are also authorized on AM, possibly with power up to 100 Watts, the owner or licensee should be within the 25 mV./m. contour of the station (daytime coverage). These provisions should apply to noncommercial and religious applicants as well. In other words, a local church or clergyman that wants to start such a station should be allowed to do so. But a chain religious broadcaster such as Family Stations, Inc. should be kept out of this proposed service.

4. Carriage of any kind of network programming should be restricted to not more than 25% of a station's total broadcasting hours. This would help to prevent another abuse encountered within the existing radio broadcasting services, namely, stations carrying satellite-delivered programming full-time with no local input and no local identity other than "liner" slugs mentioning the station's call letters and towns within its service area.

5. In the interest of preventing harmful interference to existing stations, the following technical standards should apply to these proposed stations:

FM: Frequency tolerance +/- 3000 Hz., as in the old Class D service.

AM: Frequency tolerance +/- 20 Hz., as in the existing AM service.

Modulation limits same as in the existing services.

FM spacings as for the old Class D service. Channel 6 protection as in 73.525.

In summary, these counterproposals should provide for good community service while eliminating the incentive for people to build illegal stations.

Respectfully submitted,
M. J. C. J.